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May 14, 2014

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *J E Fielding MD*  
Director and Health Officer

SUBJECT: **LOS ANGELES CITY HEALTH COMMISSION BALLOT INITIATIVE**

On November 8, 2013, Michael Weinstein and employees of AIDS Healthcare Foundation (AHF) filed an initiative petition with the Los Angeles City Clerk. The initiative proposed the creation of a Los Angeles City Health Commission within the City of Los Angeles' governmental structure. The proposed Commission would be made up of 15 members, one appointed by each member of the City Council. In general, the petition describes the duties of Commission members that include: attending all County health-related meetings, hearings, working sessions or other events; reviewing annually a sample of health services contracts executed by the County; publishing an annual health services plan for the City; reporting bi-annually the progress toward meeting the health goals enumerated in the Commission's annual health services plan; evaluating annually whether the needs of city residents are best served by continuing the City's contract with the County to enforce public health law within the City; and studying and publicly reporting annually on the feasibility of establishing an independent City Health Department.

On May 5, 2014, the Los Angeles City Clerk's office verified sufficiency of the signatures submitted by the proponents of the initiative. The City Council will soon decide whether to adopt the proposed ordinance, call a special election on the petition, or place the ordinance on the November 4, 2014 statewide election ballot.

This initiative petition is the latest in a series of public actions against Los Angeles County government by AHF. This proposal is AHF's second attempt to create an independent City of Los Angeles Health Department via a ballot initiative. The first initiative was invalidated by a Superior Court Judge as impermissibly interfering with an essential function of city government.

The Department of Public Health (DPH) has not received complaints from City Councilmembers or the Mayor of Los Angeles regarding public health services delivered in the City of Los Angeles. The City consistently directs public health questions and issues to our Department. For example, recently the City requested DPH guidance on electronic cigarette restrictions. Additionally, we have been made aware that the Mayor's office developed a back-to-basics agenda that excludes public health which is considered the responsibility of the County.

The creation of a Los Angeles City Health Commission would unnecessarily duplicate three existing County oversight Commissions: the Public Health Commission; the Hospitals and Healthcare Delivery Commission; and the Mental Health Commission. These Commissions represent all cities and unincorporated areas Countywide, including the City of Los Angeles. Attached for your convenience are overview fact sheets for the relevant County Commissions.

The Public Health Commission meets regularly on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month. Each meeting has time allocated for public comment where interested parties from any city or unincorporated area would be welcome to participate in public health discussions. These meetings provide a regular venue for the public to be informed and involved with the work of the Department. In addition, DPH welcomes constituents to contact the department directly by phone, fax, mail, e-mail and via the Department's website portals regarding specific public health questions, concerns and complaints.

The Department also regularly engages the public and specific stakeholder groups on a range of public health issues. Each year approximately 620 public meetings are hosted or co-hosted by DPH. This figure reflects regular meetings with publicly posted agendas, open to any member of the public who wish to attend. In addition, approximately 440 stakeholder meetings are regularly hosted or co-hosted by DPH. Stakeholder meetings often are convened by invitation or notification sent to strategic external partners or target population stakeholders – typically open to contracted agencies, relevant academic institutions, researchers, advocates and community- and faith-based organizations serving a specific population. Assuming an average duration of 1 hour per meeting, the proposed City Commission would be required to have representation at over 1,000 hours of regular DPH meetings each year.

DPH welcomes input and involvement from the constituents and communities we serve. Currently there are several functioning access points for interested individuals to engage DPH on public health issues and concerns. We are concerned that the creation of a duplicative City Health Commission will require additional staff work for DPH, as well as the Departments of Health Services and Mental Health. The proposed City Health Commission would require information and the support of County subject matter experts to fulfill the duties outlined in the petition to: review County contracts; develop a City-level health plan; and annually determine the costs and feasibility for establishing an independent health department.

If you have any questions or would like additional information, please let me know.

JEF:sc

Attachments

c: Chief Executive Officer  
County Counsel  
Executive Officer, Board of Supervisors  
Director of Health Services  
Director of Mental Health

**PUBLIC HEALTH COMMISSION****AUTHORITY**

Chapter 3.54 of the Los Angeles County Code, Board Order No. 7 of September 28, 1993, and Board Order No. 15 of May 21, 1996; Board Order No. 19 of March 6, 2001; Board Order No. 61 of March 31, 2001, and Ordinance No. 2001-0025; Board Order No. 19 of October 5, 2004 (extension of sunset review date); Board Order No. 21 of September 1, 2009, and Ordinance No. 2009-0038 (extension of sunset review date) and; Board Order No. 40 of January 4, 2011, and Ordinance No. 2011-0001, (extension of sunset review date).

**SUNSET REVIEW DATE**

December 1, 2014.

**NUMBER OF MEMBERS**

Five.

**QUALIFICATIONS**

Members shall consist of one resident from each Supervisorial District and representing, insofar as possible, the fields of medicine, education, business, a Woman's Group and Municipal Government.

**APPOINTMENT**

By Board of Supervisors.

**TERM OF OFFICE**

Two years, at the pleasure of the Board.

No member of the Commission may serve more than two consecutive two year terms. The Board may, by order, extend the length of service or waive the limit for individuals or the Commission as a whole.

A member's position on the Commission shall become vacant upon his or her death, resignation, or removal by the Board. In the case of such a vacancy, the Board shall appoint a successor to fill the unexpired term.

### **COMPENSATION**

\$25 for each meeting attended, not to exceed two meetings per month, and reimbursement for actual traveling expenses incurred in the performance of Commission duties, including transportation, meals and lodging. **On September 28, 1993 the Board requested the Commissioners to voluntarily forego their stipends. The Public Health Commissioners have volunteered to forego their stipends. On April 13, 2000, the Commission has voted to unanimously to reinstate their stipend effective May 1, 2000.**

### **\*MEETINGS**

The Second Thursday of each month at 10:00 a.m., and the fourth Thursday of each month at 10:00 a.m., the location will be announced by the contact person prior to each meeting.

Section 5.12.050 of the Los Angeles County Code provides that if any member (other than an ex officio member) fails to attend three consecutive meetings, unless excused by the members thereof, that member's office becomes vacant. The secretary shall so notify the appointing officer, who shall immediately appoint a member to fill such vacancy.

### **DUTIES**

Study, advise and make recommendations to the Board of Supervisors and the Director of Public Health on matters of public health under the jurisdiction of Los Angeles County, including those matters within cities in Los Angeles County which are under the jurisdiction of the Department of Public Health. The Commission's duties shall be wholly advisory. The Commission may initiate reports to the Board and to the Director of Public Health on such matters, and shall study and report on matters referred to its attention for review by the Board of Supervisors or the Director of Public Health.

## OATH

Not required.

Created on:

\*Revised: 08/01/2012

## **HOSPITALS AND HEALTH CARE DELIVERY COMMISSION**

### **AUTHORITY\***

Chapter 3.32 of the Los Angeles County Code; Board Order No. 13 of April 2, 1996; Board Order No. 47 of May 28, 1996, Ordinance No. 96-0033; Board Order No. 42 of February 9, 1999, Ordinance No. 99-0007; Board Order No. 77 of August 20, 2002; Board Order No. 29 of August 27, 2002, Ordinance No. 2002-0064 (extension of sunset review date); Board Order No. 52 of September 8, 2009, Ordinance No. 2009-0037 (extension of sunset review date); Board Order No. 16 of January 10, 2012; Board Order No. 38 of January 17, 2012, Ordinance No. 2012-0001 (extension of sunset review date); Board Order No. 14 of July 24, 2012, and Ordinance No. 2012-0031.

### **SUNSET REVIEW DATE**

July 1, 2015

### **NUMBER OF MEMBERS**

Fifteen, three nominated by each Supervisor.

### **APPOINTMENT**

By Board of Supervisors

### **TERM OF OFFICE**

Four years at the pleasure of the Board.

No member of the Commission may serve more than two consecutive four year terms. The Board may, by order, extend this length of service or waive this limit for individuals or the Commission as a whole.

A member's position on the Commission shall become vacant upon his or her death, resignation, or removal by the Board. In the case of such a vacancy, the Board shall appoint a successor to fill the unexpired term.

## **COMPENSATION**

\$25 per meeting or facilities site inspection attended, not to exceed two meetings and/or site inspections in any one calendar month.

## **MEETINGS\***

The Commission shall meet at least eight (8) times per year on the first Thursday of each month at 10:00 a.m., in Room 804, Department of Health Services Building, 313 North Figueroa Street, Los Angeles, 90012.

The provisions of Chapter 5.12 of the County Code shall not apply to the Commission.

## **DUTIES**

- a. Consult with and advise the Director of Health Services and the Board of Supervisors on all matters pertaining to patient care policies and programs of the Los Angeles County hospital system, including but not restricted to:
  - The need for additional hospital and/or other patient care facilities
  - The relationships of County hospitals and other health care facilities, public or private
  - Health Manpower problems
  - The utilization of County hospital facilities
- b. Conduct studies and make recommendations concerning patient-care policies and programs of the Los Angeles County hospital system as requested by the Board of Supervisors, and/or other officers of Los Angeles County.
- c. Act as liaison between the Director of Health Services, the Board of Supervisors, and the public in matters relating to the Los Angeles County hospital system.
- d. Perform such other services, as from time to time, as may be requested by the Board of Supervisors.

**OATH**

Not required.

Created on:

\*Revised: 09/01/2012

**END OF HOSPITALS AND HEALTH CARE DELIVERY COMMISSION**



## **MENTAL HEALTH COMMISSION, LOS ANGELES COUNTY**

### **AUTHORITY**

Section 5604-5606 et seq. of the Welfare and Institutions Code and Sections 2.87.060 and 2.87.070 of the Los Angeles County Code; Board Order No. 37 of October 29, 1957; Board Order No. 2 of February 15, 1977; Board Order No. 111 of April 21, 1987; Board Order No. 95 of January 5, 1988; Board Order No. 55 of March 7, 1989; Board Order No. 38 of January 5, 1993, relating to AB 14 effective January 1, 1993. and Board Order No. 41 of November 18, 1997, Ordinance No. 97-0062.

### **NUMBER OF MEMBERS**

Sixteen.

Three members nominated by each Supervisor and one member of the Board of Supervisors nominated by the Chair of the Board annually.

### **QUALIFICATIONS**

Fifty percent of the Commission membership shall be consumers or the parents, spouse, siblings or adult children of consumers, who are receiving or have received mental health services. At least 20 percent of the total membership shall be consumers and at least 20 percent shall be families of consumers.

The Mental Health Commission shall make every effort to ensure that the composition of the Commission represents the demographics of the County as a whole. When a Commission member resigns or is not reappointed, the Mental Health Commission shall advise the Board of Supervisors before recommending someone to fill the position about the composition of the Mental Health Commission which represents the demographics of the County as a whole, to the extent feasible and that the Commission membership should reflect the ethnic diversity of the client population in Los Angeles County.

The Mental Health Commission may recommend appointees to the Board of Supervisors who have experience and knowledge of the mental health system.

No member of the Commission or his or her spouse shall be a full-time or part-time County employee of a County mental health service, an employee of the State Department of Mental Health, or an employee of, or a paid member of the governing body of, a Bronzan-McCorquodale contract agency.

If it is not possible to secure membership as specified from among persons who reside in Los Angeles County, the Board of Supervisors may substitute representatives of the public interest in mental health who are not full-time or part-time employees of a County mental health service, the State Department of Mental Health, or on the staff of, or a paid member of the governing body of, a Bronzan-McCorquodale contract agency.

### **APPOINTMENT**

By Board of Supervisors.

### **TERM OF OFFICE**

The Chairman, Board of Supervisors position term expires annually when the new Chairman takes office all other commissioners serve three years, at the pleasure of the Board.

No member of the Commission may serve more than two consecutive three year terms. The Board may by order, extend the length of service or waive the limit for individuals or the Commission as a whole.

A member's position on the Commission shall become vacant upon his or her death, resignation, or removal by the Board of Supervisors. In the case of such a vacancy, the Board of Supervisors shall appoint a successor to fill the unexpired term.

### **COMPENSATION**

None.

## **MEETINGS**

Regular meetings, except the November and December meetings, shall be held on the fourth Thursday of each month at 12:00 p.m. in the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, or in a place designated in the Call. The regular November and December meetings shall be held on the third Thursday at the same time and location. A regular meeting may, for cause, be changed by the Chairperson.

## **DUTIES**

The Los Angeles County Mental Health Commission shall:

- a. Review and evaluate the community's mental health needs, services, facilities and special problems.
- b. Review any County agreements entered into pursuant to Welfare and Institutions Code Section 5650.
- c. Advise the Board of Supervisors and the Mental Health Director as to any aspect of the local mental health program.
- d. Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process.
- e. Submit an annual report to the Board of Supervisors on the needs and performances of the County's mental health system.
- f. Review and make recommendations on applicants for the appointment of the Director of Mental Health. The Commission shall be included in the selection process prior to the vote of the Board of Supervisors.
- g. Review and comment on the County's performance outcome data and communicate its findings to the Mental Health State Planning Council.
- h. Other duties as requested by the Board of Supervisors.
- i. Assess the impact of the realignment of services from the State to the County on services delivered to clients and on the local community.

**OATH**

Not required.

Created on:

Revised: 2/8/00

**END OF MENTAL HEALTH COMMISSION, LOS ANGELES COUNTY**